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State of Misconsin 2013 - 2014 LEGISLATURE



2013 SENATE BILL 247

August 7, 2013 – Introduced by Senator PETROWSKI, cosponsored by Representatives SPIROS, RIPP, BROOKS, VRUWINK and WEATHERSTON. Referred to Committee on Transportation, Public Safety, and Veterans and Military Affairs.

AN ACT to amend 343.315 (2) (h) of the statutes; relating to: commercial motor 1 $\mathbf{2}$

vehicle out-of-service violations.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from operating a commercial motor vehicle (CMV) while the person or the CMV is ordered out-of-service under state or federal law or while the motor carrier responsible for safety of the CMV has in effect a federal out-of-service order for unsatisfactory safety compliance (out-of-service violation). A person who commits an out-of-service violation must forfeit \$2,500 for the first offense and \$5,000 for any subsequent offense within a ten-year period and, with an exception, is further disgualified from operating a CMV for 90 days for the first offense, two years for a second offense within a ten-year period, or three years for a third or subsequent offense within a ten-year period.

Under this bill, a person who commits a first offense out-of-service violation is disqualified from operating a CMV for 180 days, rather than 90 days.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 343.315 (2) (h) of the statutes is amended to read:

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343.315 (2) (h) Except as provided in par. (i), a person shall be disgualified for 1 $\mathbf{2}$ a period of 90 180 days from operating a commercial motor vehicle if convicted of an 3 out-of-service violation, or 2 years if convicted of 2 out-of-service violations, or 3 years if convicted of 3 or more out-of-service violations, arising from separate 4 $\mathbf{5}$ occurrences committed within a 10-year period while operating a commercial motor 6 vehicle. A disgualification under this paragraph shall be in addition to any penalty imposed under s. 343.44. In this paragraph, "out-of-service violation" means 7 8 violating s. 343.44 (1) (c) or a law of another jurisdiction for an offense therein which, 9 if committed in this state, would have been a violation of s. 343.44 (1) (c), if the operator holds a commercial driver license or is required to hold a commercial driver 10 11 license to operate the commercial motor vehicle.

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SECTION 2. Initial applicability.

(1) This act first applies to violations committed on the effective date of this
subsection, but does not preclude the counting of other violations as prior violations
for purposes of administrative action by the department of transportation or
sentencing by a court.

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(END)